

**U.S. District Court [LIVE]
Eastern District of TEXAS (Marshall)
CIVIL DOCKET FOR CASE #: 2:13-cv-00959-JRG**

RPost Holdings, Inc. et al v Sophos, Inc.
Assigned to: Judge Rodney Gilstrap
Cause: 15:1126 Patent Infringement

Date Filed: 11/12/2013
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Mediator

Leon Carter

represented by **Leon Carter**
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Plaintiff

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V.

Defendant

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Date Filed	#	Docket Text
11/13/2013	<u>I</u> <u>1</u>	COMPLAINT with Jury Demand against Sophos, Inc., filed by RPost Communications Limited, RPost Holdings, Inc.. (Filing fee of \$400.00 received – TXE100007077) (Filed by clerk due to computer problems) (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Civil Cover Sheet)(sm,) (Entered: 11/13/2013)
11/13/2013	<u>I</u> <u>2</u>	DEMAND for Trial by Jury by RPost Communications Limited, RPost Holdings, Inc.. (Hudnell, Lewis) (Entered: 11/13/2013)
11/13/2013	<u>I</u> <u>3</u>	CORPORATE DISCLOSURE STATEMENT filed by RPost Communications Limited, RPost Holdings, Inc. (Hudnell, Lewis) (Entered: 11/13/2013)

11/14/2013	<u>I</u>	Judge Rodney Gilstrap added. (ehs,) (Entered: 11/14/2013)
11/14/2013	<u>I</u>	In accordance with the provisions of 28 USC Section 636(c), you are hereby notified that a U.S. Magistrate Judge of this district court is available to conduct any or all proceedings in this case including a jury or non-jury trial and to order the entry of a final judgment. The form <u>Consent to Proceed Before Magistrate Judge</u> is available on our website. All signed consent forms, excluding pro se parties, should be filed electronically using the event <i>Notice of Consent to Proceed Before Magistrate Judge</i> . (ehs,) (Entered: 11/14/2013)
12/04/2013	<u>I</u> <u>4</u>	SUMMONS Issued as to Sophos, Inc.. (ch,) (Entered: 12/04/2013)
12/09/2013	<u>I</u> <u>5</u>	Notice of Filing of Patent/Trademark Form (AO 120). AO 120 mailed to the Director of the U.S. Patent and Trademark Office. (Hudnell, Lewis) (Entered: 12/09/2013)
12/16/2013	<u>I</u> <u>6</u>	AFFIDAVIT of Service for Summons, Complaint and EXhibits served on Joseph Descavich, authorized agent for SOPHOS, INC., c/o CT Corporation Systems on 12/5/13, filed by RPost Communications Limited, RPost Holdings, Inc.. (bas,) (Entered: 12/16/2013)
12/16/2013	<u>I</u> <u>7</u>	AFFIDAVIT of Service for Summons and Complaint served on Authorized Agent for SOPHOS, INC., c/o CT Corporation Systems. on 12/5/13, filed by RPost Communications Limited, RPost Holdings, Inc.. (bas,) (Entered: 12/16/2013)
12/26/2013	<u>I</u> <u>8</u>	MOTION to Dismiss <i>or, in the Alternative, Transfer or Stay RPost's Complaint Pursuant to the First-to-File Rule</i> by Sophos, Inc.. (Attachments: # <u>1</u> Declaration of Greg Crowley in Support of Motion to Dismiss, # <u>2</u> Exhibit A to Crowley Declaration, # <u>3</u> Declaration of Nicholas G. Papastavros in Support of Motion to Dismiss, # <u>4</u> Exhibit 1 to Papastavros Declaration, # <u>5</u> Exhibit 2 to Papastavros Declaration, # <u>6</u> Exhibit 3 to Papastavros Declaration, # <u>7</u> Exhibit 4 to Papastavros Declaration, # <u>8</u> Exhibit 5 to Papastavros Declaration, # <u>9</u> Exhibit 6 to Papastavros Declaration, # <u>10</u> Exhibit 7 to Papastavros Declaration, # <u>11</u> Exhibit 8 to Papastavros Declaration, # <u>12</u> Exhibit 9 to to Papastavros Declaration, # <u>13</u> Text of Proposed Order)(Patterson, Todd) (Entered: 12/26/2013)
12/26/2013	<u>I</u> <u>9</u>	CORPORATE DISCLOSURE STATEMENT filed by Sophos, Inc. identifying Corporate Parent Sophos Limited for Sophos, Inc.. (Patterson, Todd) (Entered: 12/26/2013)
01/08/2014	<u>I</u> <u>10</u>	NOTICE of Attorney Appearance by Winston Oliver Huff on behalf of RPost Communications Limited, RPost Holdings, Inc. (Huff, Winston) (Entered: 01/08/2014)
01/08/2014	<u>I</u> <u>11</u>	NOTICE of Attorney Appearance by Deborah Jagai on behalf of RPost Communications Limited, RPost Holdings, Inc. (Jagai, Deborah) (Entered: 01/08/2014)
01/13/2014	<u>I</u> <u>12</u>	RESPONSE in Opposition re <u>8</u> MOTION to Dismiss <i>or, in the Alternative, Transfer or Stay RPost's Complaint Pursuant to the First-to-File Rule</i> filed by RPost Communications Limited, RPost Holdings, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of Zafar Khan, # <u>2</u> Affidavit Declaration of Lewis E. Hudnell, III, # <u>3</u> Exhibit 1 to Hudnell Declaration, # <u>4</u> Exhibit 2 to Hudnell Declaration, # <u>5</u> Text of Proposed Order)(Hudnell, Lewis) (Entered: 01/13/2014)
01/24/2014	<u>I</u> <u>13</u>	REPLY to Response to Motion re <u>8</u> MOTION to Dismiss <i>or, in the Alternative, Transfer or Stay RPost's Complaint Pursuant to the First-to-File Rule</i> filed by Sophos, Inc.. (Attachments: # <u>1</u> Jacob D. Anderson Declaration in Support of Reply Brief, # <u>2</u> Exhibit 1 to Anderson Declaration, # <u>3</u> Exhibit 2 to Anderson Declaration, # <u>4</u> Exhibit 3 to Anderson Declaration, # <u>5</u> Exhibit 4 to Anderson Declaration, # <u>6</u> Exhibit 5 to Anderson Declaration, # <u>7</u> Exhibit 6 to Anderson Declaration)(Patterson, Todd) (Entered: 01/24/2014)
01/24/2014	<u>I</u> <u>14</u>	ANSWER to <u>1</u> Complaint, by Sophos, Inc..(Patterson, Todd) (Entered: 01/24/2014)
01/27/2014	<u>I</u>	In accordance with the provisions of 28 USC Section 636(c), you are hereby notified that a U.S. Magistrate Judge of this district court is available to conduct any or all proceedings in this case

including a jury or non-jury trial and to order the entry of a final judgment. The form Consent to Proceed Before Magistrate Judge is available on our website. All signed consent forms, excluding pro se parties, should be filed electronically using the event *Notice of Consent to Proceed Before Magistrate Judge*. (nkl,) (Entered: 01/27/2014)

01/30/2014	<u>15</u>	NOTICE by RPost Communications Limited, RPost Holdings, Inc. <i>of Readiness for Scheduling Conference</i> (Hudnell, Lewis) (Entered: 01/30/2014)
01/30/2014	<u>16</u>	AFFIDAVIT of Service for complaint, exhibits, and summons served to Sophos, Inc – Joseph Descavich on 12/05/2013, filed by RPost Holdings, Inc. (nkl,) (Entered: 01/30/2014)
02/03/2014	<u>17</u>	SUR-REPLY to Reply to Response to Motion re <u>8</u> MOTION to Dismiss <i>or, in the Alternative, Transfer or Stay RPost's Complaint Pursuant to the First-to-File Rule filed by RPost Communications Limited, RPost Holdings, Inc.</i> (Hudnell, Lewis) (Entered: 02/03/2014)
03/03/2014	<u>18</u>	NOTICE of Change of Address by Lewis E Hudnell, III (Hudnell, Lewis) (Entered: 03/03/2014)
05/30/2014	<u>19</u>	NOTICE by Sophos, Inc. <i>Notice of Decision</i> (Attachments: # <u>1</u> Exhibit A)(Patterson, Todd) (Entered: 05/30/2014)
06/03/2014	<u>20</u>	NOTICE OF SCHEDULING CONFERENCE ORDER – Scheduling Conference set for 7/1/2014 02:00 PM before Judge Rodney Gilstrap and Judge Roy S Payne. Signed by Judge Rodney Gilstrap on 6/3/2014. (ch,) (Entered: 06/03/2014)
06/30/2014	<u>21</u>	NOTICE of Attorney Appearance – Pro Hac Vice by Grayson D Stratton on behalf of Sophos, Inc.. Filing fee \$ 100, receipt number 0540-4724661. (Stratton, Grayson) (Entered: 06/30/2014)
07/01/2014	<u>22</u>	Minute Entry for proceedings held before Judge Rodney Gilstrap: Scheduling Conference held on 7/1/14. Counsel for the parties appeared and were asked if they consented to a trial before Judge Payne. The Court then gave Markman and Jury Selection dates; deadlines for submitting Mediator names (3 days); and deadlines for submitting Agreed Scheduling and Discovery Orders (14 days). (Court Reporter Shelly Holmes, CSR, CRR.)(jml) (Entered: 07/09/2014)
07/11/2014	<u>23</u>	ORDER REFERRING CASE to Mediator. Leon Carter added as Mediator. Signed by Judge Rodney Gilstrap on 07/10/2014. (nkl,) (Entered: 07/11/2014)
07/15/2014	<u>24</u>	MOTION to Stay by Sophos, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Patterson, Todd) (Entered: 07/15/2014)
07/15/2014	<u>25</u>	REPORT of Rule 26(f) Planning Meeting. (Attachments: # <u>1</u> Exhibit 1 to Rule 26(f) Report, # <u>2</u> Exhibit 2 to Rule 26(f) Report)(Hudnell, Lewis) (Entered: 07/15/2014)
07/16/2014	<u>26</u>	NOTICE by RPost Communications Limited, RPost Holdings, Inc. re <u>8</u> MOTION to Dismiss <i>or, in the Alternative, Transfer or Stay RPost's Complaint Pursuant to the First-to-File Rule of Pending Motion to Dismiss</i> (Attachments: # <u>1</u> Exhibit 1)(Hudnell, Lewis) (Entered: 07/16/2014)
07/18/2014	<u>27</u>	RESPONSE to <u>25</u> Notice (Other), <i>of Pending Motion to Dismiss filed by Sophos, Inc.</i> (Patterson, Todd) (Entered: 07/18/2014)
07/22/2014	<u>28</u>	Joint MOTION for Extension of Time to File <i>Joint Motion to Extend Time to Submit Protective Order</i> by Sophos, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Patterson, Todd) (Entered: 07/22/2014)
07/22/2014	<u>29</u>	NOTICE by RPost Communications Limited, RPost Holdings, Inc. <i>of Compliance with Patent Local Rules 3-1 and 3-2</i> (Hudnell, Lewis) (Entered: 07/22/2014)
07/22/2014	<u>30</u>	NOTICE by Sophos, Inc. <i>Notice of Compliance</i> (Patterson, Todd) (Entered: 07/22/2014)
07/23/2014	<u>31</u>	

		ORDER granting <u>27</u> Motion for Extension of Time to File proposed protective order. Signed by Judge Rodney Gilstrap on 7/23/2014. (sm,) (Entered: 07/23/2014)
07/25/2014	<u>31</u>	Joint MOTION for Extension of Time to File <i>Protective Order</i> by Sophos, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Patterson, Todd) (Entered: 07/25/2014)
07/30/2014	<u>32</u>	Joint MOTION for Extension of Time to File <i>Protective Order</i> by RPost Communications Limited, RPost Holdings, Inc., Sophos, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Patterson, Todd) (Entered: 07/30/2014)
08/01/2014	<u>33</u>	ORDER granting <u>32</u> Motion for Extension of Time to File Protective Order. Signed by Judge Rodney Gilstrap on 8/1/2014. (ch,) (Entered: 08/01/2014)
08/01/2014	<u>34</u>	RESPONSE in Opposition re <u>23</u> MOTION to Stay <i>filed by RPost Communications Limited, RPost Holdings, Inc.</i> . (Attachments: # <u>1</u> Text of Proposed Order)(Hudnell, Lewis) (Entered: 08/01/2014)
08/01/2014	<u>35</u>	Joint MOTION for Extension of Time to File <i>Protective Order</i> by Sophos, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Patterson, Todd) (Entered: 08/01/2014)
08/04/2014	<u>36</u>	Submission of Proposed Agreed Protective order by RPost Communications Limited, RPost Holdings, Inc. . (Hudnell, Lewis) Modified on 8/5/2014 (ch,). Modified on 8/6/2014 (ch,). (Entered: 08/04/2014)
08/05/2014	<u>37</u>	STIPULATED PROTECTIVE ORDER. Signed by Judge Rodney Gilstrap on 8/5/2014. (ch,) (Entered: 08/05/2014)
08/05/2014	<u>38</u>	***PLEASE DISREGARD THIS FILED IN ERROR, ORDER WAS ALREADY SIGNED*****FILED IN ERROR. NEED TO FILE A MOTION FOR ENTRY OF ORDER Document # 36, Submission of Protective Order. PLEASE IGNORE.*** (ch,) Modified on 8/6/2014 (ch,). (Entered: 08/05/2014)
08/08/2014	<u>38</u>	Unopposed MOTION To Extend the Deadline for Service of Preliminary Invalidity Contentions by Sophos, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Patterson, Todd) (Entered: 08/08/2014)
08/13/2014	<u>39</u>	ORDER granting <u>38</u> Motion to Extend the Deadline for Service of Preliminary Invalidity Contentions (Deadline is 9/12/2014). Signed by Judge Rodney Gilstrap on 8/13/2014. (ch,) (Entered: 08/13/2014)
08/13/2014	<u>40</u>	NOTICE by Sophos, Inc. <i>Notice of Decision</i> (Attachments: # <u>1</u> Exhibit A)(Patterson, Todd) (Entered: 08/13/2014)
08/14/2014	<u>41</u>	REPLY to Response to Motion re <u>23</u> MOTION to Stay <i>Reply Brief in Support of Motion to Stay filed by Sophos, Inc.</i> . (Patterson, Todd) (Entered: 08/14/2014)
08/20/2014	<u>42</u>	ORDER granting in part and denying in part <u>8</u> Motion to Dismiss/Transfer. ORDERED that the above cause of action is hereby TRANSFERRED to the United States District Court for the District of Massachusetts. The Clerk shall file this Order in the above case and shall forthwith take such steps as are needed to effect this transfer. Signed by Judge Rodney Gilstrap on 8/20/14. (ch,) (Entered: 08/20/2014)
08/25/2014	<u>43</u>	Emergency MOTION to Stay re <u>42</u> Order on Motion to Dismiss, <i>Order of Transfer</i> by RPost Communications Limited, RPost Holdings, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of Lewis E. Hudnell, III, # <u>2</u> Exhibit 1 to Hudnell Declaration, # <u>3</u> Exhibit 2 to Hudnell Declaration, # <u>4</u> Exhibit 3 to Hudnell Declaration, # <u>5</u> Text of Proposed Order)(Hudnell, Lewis) (Entered: 08/25/2014)

09/11/2014	<u>44</u>	RESPONSE in Opposition re <u>43</u> Emergency MOTION to Stay re <u>42</u> Order on Motion to Dismiss, <i>Order of Transfer filed by Sophos, Inc.</i> . (Attachments: # <u>1</u> Declaration of Jacob D. Anderson ISO Opposition, # <u>2</u> Exhibit A to Anderson Declaration, # <u>3</u> Exhibit B to Anderson Declaration, # <u>4</u> Exhibit C to Anderson Declaration, # <u>5</u> Exhibit D to Anderson Declaration, # <u>6</u> Exhibit E to Anderson Declaration, # <u>7</u> Exhibit F to Anderson Declaration, # <u>8</u> Text of Proposed Order)(Patterson, Todd) (Entered: 09/11/2014)
09/15/2014	<u>45</u>	ORDER denying <u>43</u> Motion to Stay. The Clerk is directed to take any steps necessary to effect transfer of this case per the Courts prior Order (Dkt. No. 42). Signed by Judge Rodney Gilstrap on 9/13/2014. (ch,) (Entered: 09/15/2014)